

■ 12-29-80

#7/AA 11-25-01

Practitioner's Docket No. 47756-CIP 1 - DIV

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application Assistant Commissioner for Patents Washington, D.C. 20231

## NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of Inventor(s): R. Formato, et al.

**WARNING:** 

37 C.F.R. § 1.41(a)(1) points out:

"(a) A patent is applied for in the name or names of the actual inventor or inventors.

(1) The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.63, except as provided for in § 1.53(d)(4) and § 1.63(d). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in § 1.17(i) is filed supplying or changing the name or names of the inventor or inventors."

For (title):

COMPOSITE SOLID POLYMER ELECTROLYTE MEMBRANES

## 1. Type of Application

This new application is for a(n)

(check one applicable item below)

[X]	Original (nonprovisional)
[ ]	Design
[ ]	Plant

#### **CERTIFICATION UNDER 37 C.F.R. 1.10\***

(Express Mail label number is mandatory.) (Express Mail certification is optional.)

I hereby certify that	this correspondence and	the documents referred to as attached therein are being deposited with the United
States Postal Service	e on this date <i>NPCem</i>	bell 2, 2000, in an envelope as "Express Mail Post Office to Addressee," mailing
Label Number	EL298355479US	_, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

(type or print name of person mailing paper)

Annnemarie Serrecchia

Signature of person mailing paper

WARNING:

Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to

obtain a date of mailing or transmission for this correspondence.

\*WARNING:

Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed

thereon prior to mailing. 37 C.F.R. 1.10(b).



"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

WARNING: Do not use this transmittal for a completion in the U.S. of an International Application under 35 U.S.C. 371(c)(4), unless the International Application is being filed as a divisional, continuation or continuation-in-part application.

WARNING: Do not use this transmittal for the filing of a provisional application.

NOTE: If one of the following 3 items apply, then complete and attach ADDED PAGES FOR NEW APPLICATION
TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED and a NOTIFICATION IN PARENT
APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION.

[X]	Divisional.
[]	Continuation.
ĨĨ	Continuation-in-part (C-I-P).

# 2. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)

NOTE: A nonprovisional application may claim an invention disclosed in one or more prior filed copending nonprovisional applications or copending international applications designating the United States of America. In order for a nonprovisional application to claim the benefit of a prior filed copending nonprovisional application or copending international application designating the United States of America, each prior application must name as an inventor at least one inventor named in the later filed nonprovisional application and disclose the named inventor's invention claimed in at least one claim of the later filed nonprovisional application in the manner provided by the first paragraph of 35 U.S.C. 112. Each prior application must also be:

- (i) An international application entitled to a filing date in accordance with PCT Article 11 and designating the United States of America; or
- (ii) Complete as set forth in § 1.51(b); or
- (iii) Entitled to a filing date as set forth in § 1.53(b) or § 1.53(d) and include the basic filing fee set forth in § 1.16; or
- (iv) Entitled to a filing date as set forth in  $\S$  1.53(b) and have paid therein the processing and retention fee set forth in  $\S$  1.21(l) within the time period set forth in  $\S$  1.53(f).

37 C.F.R. § 1.78(a)(1).

NOTE If the new application being transmitted is a divisional, continuation or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., or benefit of a prior provisional application is claimed, then check the following item and complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

WARNING: If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. 120, 121 or 365(c). (35 U.S.C. 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. 119, 365(a) or 365(b).) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.

WARNING: When the last day of pendency of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, any nonprovisional application claiming benefit of the provisional application must be filed prior to the Saturday, Sunday, or Federal holiday within the District of Columbia. See 37 C.F.R. § 1.78(a)(3).

[X] The new application being transmitted claims the benefit of prior U.S. application(s). Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

3.	<b>Papers</b>	Encl	hasn
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3.	Paper	S Enclosed
	<b>A.</b>	Required for Filing Date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application
		64_Pages of Specification7_Pages of Claims2_Sheets of Drawing
WARNI	patent ap paper an the origi	DO NOT submit original drawings. A high quality copy of the drawings should be supplied when filing a oplication. The drawings that are submitted to the Office must be on strong, white, smooth, and non-shiny and meet the standards according to § 1.84. If corrections to the drawings are necessary, they should be made to nal drawing and a high-quality copy of the corrected original drawing then submitted to the Office. Only one equired or desired. For comments on proposed then-new 37 C.F.R. 1.84, see Notice of March 9, 1988. (1996)
NOTE:	docket n	ving indicia, if provided, should include the application number or the title of the invention, inventor's name, umber (if any), and the name and telephone number of a person to call if the Office is unable to match the is to the proper application. This information should be placed on the back of each sheet of drawing a minimum of 1.5 cm. (5/8 inch) down from the top of the page" 37 C.F.R. § 1.84(c)).
		(complete the following, if applicable)
	[]	The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. § 1.84(b).
	[X] []	Formal Informal
	В.	Other Papers Enclosed Pages of declaration and power of attorney Pages of Abstract Other

4.	Addit	tional Papers Enclosed
	[]	Amendment to claims
		[] Cancel in this applications claims before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
		[] Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)
	[X] []	Preliminary Amendment Information Disclosure Statement (37 C.F.R. § 1.98) Form PTO-1449 (PTO/SB/08A and 08B) Citations
		Declaration of Biological Deposit Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
	[ ]	Authorization of Attorney(s) to Accept and Follow Instructions from Representa- tive
	[ ] [X]	Special Comments Other – Copy of recorded Assignment document
5.	Decla	ration or Oath (including power of attorney)
NOTE:	nonprov the inve executed submitted inventor that dec- under §	executed declaration is not required in a continuation or divisional application provided the prior visional application contained a declaration as required, the application being filed is by all or fewer than all ntors named in the prior application, there is no new matter in the application being filed, and a copy of the declaration filed in the prior application (showing the signature or an indication thereon that it was signed) is ed. The copy must be accompanied by a statement requesting deletion of the names of person(s) who are not resoft the application being filed. If the declaration in the prior application was filed under § 1.47 then a copy of claration must be filed accompanied by a copy of the decision granting § 1.47 status or, if a nonsigning person 1.47 has subsequently joined in a prior application, then a copy of the subsequently executed declaration must See 37 C.F.R. § 1.63(d)(1)-(3).
NOTE:	identify together	ration filed to complete an application must be executed, identify the specification to which it is directed, each inventor by full name, including the family name, and at least one given name without abbreviation with any other given name or initial, and the residence, post office address and country of citizenship of each r, and state whether the inventor is a sole or joint inventor. 37 C.F.R. § 1.63(a)(1)-(4).
	[ ]	Enclosed Executed by
		(check all applicable boxes)
		<ul> <li>[ ] inventor(s).</li> <li>[ ] legal representative of inventor(s). 37 C.F.R. § 1.42 or 1.43.</li> <li>[ ] joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.</li> </ul>

			Į J	required by 37 C.F.R. § 1.47 is also attached. See item 13 below for fee.
NOTE:	applicati continua	ne filing is ion contain ition or co	ns subject ntinuation	tion in the U.S. of an International Application, or where the completion of the U.S. matter in addition to the International Application, the application may be treated as a tin-part, as the case may be, utilizing ADDED PAGE FOR NEW APPLICATION ENEFIT OF PRIOR U.S. APPLICATION CLAIMED.
		[]		cation is made by a person authorized under 37 C.F.R. 1.41(c) on of <i>all</i> the above named inventor(s).
	(The de	eclaratio	on or oa	ath, along with the surcharge required by 37 C.F.R. § 1.16(e), can be filed subsequently).
<b>L</b> i			[]	Showing that the filing is authorized. (not required unless called into question. 37 C.F.R. § 1.41(d))
6.	Inven	torship	Statem	nent
WARNI				ntors are each not the inventors of all the claims an explanation, including the ownership of the last claimed invention was made, should be submitted.
The in	ventors	hip for a	all the c	claims in this application are:
	[X]	The sa	me.	or
	[]		ne the la	An explanation, including the ownership of the various claims at ast claimed invention was made, mitted.
7.	Langu	ıage		
NOTE:	translati	on of the n	ion-Englis	igned oath or declaration may be filed in a language other than English. An English sh language application and the processing fee of \$130.00 required by 37 C.F.R. § 1.17(k) he application, or within such time as may be set by the Office. 37 C.F.R. § 1.52(d).
	[X] []	Englis Non-E		
		[]		tached translation includes a statement that the translation is ite. 37 C.F.R. § 1.52(d).
8.	Assign	ıment	accura	37 C.P.R. y 1.32(u).

	ent of the invention to:	
_		Massachusetts 02154
`	,	PATENT APPLICATION" of
[ ] Will	follow.	
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1	Was recorded  [ ] is attended to the content of the	(DOCUMENT) ACCOMPANYING NEW [] FORM PTO 1595 is also attached. [] will follow.  ssignment is submitted with a new application, send two separate lettern? Notice of May 4, 1990 (1114 O.G. 77-78).  A newly executed "STATEMENT UNDER 37 C.F.R. § 3.73(b)" matrion is filed by an assignee. Notice of April 30, 1993, 1150 O.G. 62-64  fied Copy  y(ies) of application(s)

NOTE: This item is for any foreign priority for which the application being filed directly relates. If any parent U.S. application or International Application from which this application claims benefit under 35 U.S.C. 120 is itself entitled to priority from a prior foreign application, then complete item 18 on the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.



# 10. Fee Calculation (37 C.F.R. § 1.16)

# A. [X] Regular application

		CLA	IMS AS FILED		
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. § 1.16(a) 710.00
Total Claim (37 C.F.R. § 1.16(c))		- 20 =	47	X \$ 18.00 =	846.00
Independent (37 C.F.R. § 1.16(b))		- 3 =	1 .	X \$ 80.00 =	80.00
Multiple De Claim(s), if (37 C.F.R. § 1.16(d))	any			+ \$270.00 =	0.00
[ ] [ ] [ ]	Amendment de	eleting multip	a claims is enclosed. ble-dependencies is er eing paid at this time		
	ion of the time period s		ng they must be paid or the the Patent and Trademark (		
			Filing Fee Calcula	ntion \$	1636.00
В.	[ ] Design (\$310.00—37	application C.F.R. § 1.1	6(f)) Filing Fee Calcula	ntion \$	·
C.	[ ] Plant a (\$480.00—37	pplication C.F.R. § 1.1	6(g)) Filing Fee Calcula	ation \$	

11.	Small	Entity Statement(s)
	[]	Statement(s) that this is a filing by a small entity under 37 C.F.R. §§ 1.9 and 1.27 is (are) attached.
WARN	availabli including status ha (includin determin applicati may rely applicati statemen	"Status as a small entity must be specifically established in each application or patent in which the status is a end desired. Status as a small entity in one application or patent does not affect any other application or patent, g applications or patents which are directly or indirectly dependent upon the application or patent in which the as been established. The refiling of an application under § 1.53 as a continuation, division, or continuation-in-parting a continued prosecution application under § 1.53(d)), or the filing of a reissue application requires a new nation as to continued entitlement to small entity status for the continuing or reissue application. A nonprovisional ion claiming benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) of a prior application, or a reissue application or on a statement filed in the prior application or in the patent if the nonprovisional application or the reissue ion includes a reference to the statement in the prior application or in the patent or includes a copy of the at in the prior application or in the patent and status as a small entity is still proper and desired. The payment of the native basic statutory filing fee will be treated as such a reference for purposes of this section." 37 C.F.R. § 20.  (complete the following, if applicable)
	[X]	Status as a small entity was claimed in prior application  09/261,349 , filed on May 21, 1999 from which benefit is
		being claimed for this application under:
		35 U.S.C. § [ ] 119(e), [ ] 120, [X] 121, [ ] 365(c),
		and which status as a small entity is still proper and desired.
		[X] A copy of the statement in the prior application is included.
		Filing Fee Calculation (50% of A, B or C above) \$\\ \\$\\ \\$\\ \\$\\ \\$\\ \\$\\ \\$\\ \\$\
NOTE:		ess of the full fee paid will be refunded if a small entity status is established refund request are filed within 2 months ate of timely payment of a full fee. The two-month period is not extendable under $\S$ 1.136. 37 C.F.R. $\S$ 1.28(a).
12.	Reque	est for International-Type Search (37 C.F.R. § 1.104(d))
		(complete, if applicable)
	[]	Please prepare an international-type search report for this application at the time when national examination on the merits takes place.
13.	Fee Pa	ayment Being Made at This Time
	[]	Not Enclosed
		[ ] No filing fee is to be paid at this time.

14.	Method	of Pay	yment	of	Fees
-----	--------	--------	-------	----	------

[X]	Check in the amount of \$	<u>818.00</u> .	
<u>ו</u> ו	Charge Account No.	in the amount of \$	
	A duplicate of this transmitt	al is attached.	

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. § 1.22(b).

#### 15. Authorization to Charge Additional Fees

WARNING: If no fees are to be paid on filing, the following items should <u>not</u> be completed.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

- [X] The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 04-1105.
  - [X] 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)
  - [X] 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)
- NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.
  - [X] 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
  - [X] 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a).
  - [X] 37 C.F.R. § 1.17 (application processing fees)
- NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).
  - [ ] 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))
- NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b)).
- NOTE: 37 C.F.R. § 1.28(b) requires "Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying, . . issue fee." From the wording of 37 C.F.R. § 1.28(b), (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

NOTE:

(This and the surcharge required by 37 C.F.R.  $\S$  1.16(e) can be paid subsequently.)

[X]	Enclosed			
	[X]	Filing fee	\$818.00_	
	[]	Recording assignment (\$40.00; 37 C.F.R. § 1.21(h)) (See attached "COVER SHEET FOR ASSIGNMENT ACCOMPANYING NEW APPLICATION.")	\$	
	[]	Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached (\$130.00; 37 C.F.R. §§ 1.47 and 1.17(i))	\$	
	[]	For processing an application with a specification in a non-English language (\$130.00; 37 C.F.R. §§ 1.52(d) and 1.17(k))	\$	
	[]	Processing and retention fee (\$130.00; 37 C.F.R. §§ 1.53(d) and 1.21(l))	\$	
	[]	Fee for international-type search report (\$40.00; 37 C.F.R. § 1.21(e))	\$	
the appli indicate	ication pu that in or	establishes a fee for processing and retaining any application that rsuant to 37 C.F.R. § 1.53(f) and this, as well as the changes to der to obtain the benefit of a prior U.S. application, either the bention fee of § 1.21(l) must be paid, within I year from notification under the content of	o 37 C.F.R. § 1.53 and 1.78(coasic filing fee must be paid, o	1)(1

818.00

Total Fees Enclosed

# 16. Instructions as to Overpayment

NOTE:	will the p	ounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor ayer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by a deposit account." 37 C.F.R. § 1.26(a).
	[X] []	Credit Account No 04-1105  Refund  Resumment Submitted
	2/28	Respectfully Submitted,  Lisa swiszcz Hazzard (Reg. 44,368)
		DIKE, BRONSTEIN, ROBERTS & CUSHMAN Intellectual Property Practice Group of EDWARDS & ANGELL, LLP 130 Water Street
(617)	523-34	00 Boston, MA 02109
U.S. application(s) (including an international application entering the U.S. stacontinuation, divisional or C-I-P application) and complete and attach the		poration by reference of added pages
		the following item if the application in this transmittal claims the benefit of prior pplication(s) (including an international application entering the U.S. stage as a uation, divisional or C-I-P application) and complete and attach the ADDED S FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. ICATION(S) CLAIMED)
	[X]	Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed
		Number of pages added
	[]	Plus Added Pages for Papers Referred to in Item 4 Above  Number of pages added
	[]	Plus added pages deleting names of inventor(s) named on prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.  Number of pages added
	[]	Plus "Assignment Cover Letter Accompanying New Application"  Number of pages added
[]	Staten	nent Where No Further Pages Added

(if no further pages form a part of this Transmittal, then end this Transmittal with this page

160253

[]

and check the following item)
This transmittal ends with this page.

#### 17. Relate Back

WARNING: If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. 120, 121 or 365(c). (35 U.S.C. 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. 119, 365(a) or 365(b).) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.

(complete the following, if applicable)

[X] Amend the specification by inserting, before the first line, the following sentence:

### A. 35 U.S.C. 119(e)

NOTE: "Any nonprovisional application claiming the benefit of one or more prior filed copending provisional applications must contain or be amended to contain in the first sentence of the specification following the title a reference to each such prior provisional application, identifying it as a provisional application, and including the provisional application number (consisting of series code and serial number)." 37 C.F.R. § 1.78(a)(4).

[ ] "This application claims the benefit of U.S. Provisional Application(s) No(s).:

APPLICATION NO(S).:	FILING DATE		
/	"		
/			

#### B. 35 U.S.C. 120, 121 and 365(c)

NOTE: "Except for a continued prosecution application filed under § 1.53(d), any nonprovisional application claiming the benefit of one or more prior filed copending nonprovisional applications or international applications designating the United States of America must contain or be amended to contain in the first sentence of the specification following the title a reference to each such prior application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date and indicating the relationship of the applications. . . . Cross-references to other related applications may be made when appropriate." (See § 1.14(a)). 37 C.F.R. § 1.78(a)(2).

[X] "This application is a

A1

		[ ] continuation
٨٥		[ ] continuation-in-part
A)		[X] divisional
get de	of	copending application(s)
	[ 2	application number <u>09/261,349</u> filed on <u>March 3, 1999</u>
	[	International Application filed on and which designated the U.S."
	NOTE:	The proper reference to a prior filed PCT application that entered the U.S. national phase is the U.S. serial number and the filing date of the PCT application that designated the U.S.
	NOTE:	(1) Where the application being transmitted adds subject matter to the International Application, then the filing can be as a continuation-in-part or (2) if it is desired to do so for other reasons then the filing can be as a continuation.
	NOTE:	The deadline for entering the national phase in the U.S. for an international application was clarified in the Notice of April 28, 1987 (1079 O.G. 32 to 46) as follows:
SCANINED. #		"The Patent and Trademark Office considers the International application to be pending until the 22nd month from the priority date if the United States has been designated and no Demand for International Preliminary Examination has been filed prior to the expiration of the 19th month from the priority date and until the 32nd month from the priority date if a Demand for International Preliminary Examination which elected the United States of America has been filed prior to the expiration of the 19th month from the priority date, provided that a copy of the international application has been communicated to the Patent and Trademark Office within the 20 or 30 month period respectively. If a copy of the international application has not been communicated to the Patent and Trademark Office within the 20 or 30 month period respectively, the international application becomes abandoned as to the United States 20 or 30 months from the priority date respectively. These periods have been placed in the rules as paragraph (h) of § 1.494 and paragraph (i) of § 1.495. A continuing application under 35 U.S.C. 365(c) and 120 may be filed anytime during the pendency of the international application."
	[ ]	"The nonprovisional application designated above, namely application, claims the benefit of
		U.S. Provisional Application(s) No(s).:
	APPL	ICATION NO(S).: FILING DATE
		<u>"</u>
		<u>'</u>
	[ ]	Where more than one reference is made above please combine all references into one sentence.

# 18. Relate Back—35 U.S.C. 119 Priority Claim for Prior Application

The prior U.S. application(s), including any prior International Application designating the U.S., identified above in item 17B, in turn itself claim(s) foreign priority(ies) as follows:

Country		Appln. no.	Filed
The ce	ertified copy(ies) has (hav	e)	
[ ]	been filed on	, in prior application _	which was filed on
[ ]	is (are) attached.		
WARNING:	Bureau may not be relied on wapplication. This is so because Bureau is placed in a folder at folders are disposed of if the naneeded later in the prosecution documents from the folders and transfer, retrieve the folders, masuch copies in the Continuing	ity application that may have been commuithout any need to file a certified copy of the priority applicant is not assigned a U.S. serial number untional stage is not entered. Therefore, such of a continuing application. An alternative we described the transfer them to the continuing application is transfer the certain the certain and the continuing application are substantial. Accordingly thave not entered the national stage may not the continuing application are substantial.	the priority application in the continuing ation communicated by the International alless the national stage is entered. Such a certified copies may not be available if would be to physically remove the priority tion. The resources required to request retified copies, enter and make a record of w, the priority documents in folders of
19. Maint	tenance of Copendency	of Prior Application	
		he petition filed in the prior application ext e continuation application. Notice of Novem	
<b>A.</b> [	Extension of time in pri	or application	
(This ite	<del>-</del>	d the papers filed <b>in the prior ap</b> he prior application has run.)	pplication, if the period set in
[ ]	A petition, fee and response	onse extends the term in the pend	ing <b>prior</b> application until
	[ ] A copy of the petition	on filed in prior application is atta	ached.
В. [	] Conditional Petition for	Extension of Time in Prior Appl	ication
	(complete t	his item, if previous item not appl	licable)
	A conditional petition application.	for extension of time is being	g filed in the pending prior

(Added Pages for Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed—page 3 of 5)

[ ] A copy of the conditional petition filed in the prior application is attached.

# 20. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

(complete applicable item (a), (b) and/or (c) below)
(a) [X] This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are
[X] the same.
[ ] less than those named in the prior application. It is requested that the following inventor(s) identified for the prior application be deleted:
(type name(s) of inventor(s) to be deleted)
(b) [ ] This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application, the inventor(s) in this application are
[ ] the same.
[ ] the following additional inventor(s) have been added:
(type name(s) of inventor(s) to be deleted)
(c) [ ] The inventorship for all the claims in this application are
[ ] the same.
[ ] not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made
[ ] is submitted.
[ ] will be submitted.
21. Abandonment of Prior Application (if applicable)
[ ] Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and

(Added Pages for Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed—page 4 of 5)

when this application is granted a filing date, so as to make this application copending with said prior application.

According to the Notice of May 13, 1983 (103, TMOG 6-7), the filing of a continuation or continuation-in- part NOTE: application is a proper response with respect to a petition for extension of time or a petition to revive and should include the express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application.

### 22. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

WARNING: "The claims of a new application may be finally rejected in the first Office action in those situations where (1) the new application is a continuing application of, or a substitute for, an earlier application, and (2) all the claims of the new application (a) are drawn to the same invention claimed in the earlier application, and (b) would have been properly finally rejected on the grounds of art of record in the next Office action if they had been entered in the earlier application." MPEP, § 706.07(b), 6th ed., rev.2.

NOTE: Where it is possible that the claims on file will give rise to a first action final for this continuation application and for some reason an amendment cannot be filed promptly (e.g., experimental data is being gathered) it may be desirable to file a petition for suspension of prosecution for the time necessary.

(check the next item, if applicable)

There is provided herewith a Petition To Suspend Prosecution for the Time Necessary to File An Amendment (New Application Filed Concurrently)

### 23. Small Entity (37 CFR § 1.28(a))

- Applicant has established small entity status by the filing of a statement in parent [X]application on May 21, 1999.
- [X]A copy of the statement previously filed is included.

**WARNING:** See 37 CFR § 1.28(a).

#### 24. NOTIFICATION IN PARENT APPLICATION OF THIS FILING

	A notification of the filing of this eck one of the following)
[]	continuation
[]	continuation-in-part
[ X	[ ] divisional

is being filed in the parent application, from which this application claims priority under 35 U.S.C. § 120.